

**ASSEMBLY BILL**

**No. 1998**

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**Introduced by Assembly Member Silva**

February 14, 2008

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An act to add Section 82035.5 to, and to add Article 2.5 (commencing with Section 84250) to Chapter 4 of Title 9 of, the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1998, as introduced, Silva. Political Reform Act of 1974: local agency formation commissions.

Existing law provides for the existence, in each county, of a local agency formation commission (LAFCO), an administrative body vested with the authority and responsibility to control the process of municipal expansion by overseeing local agency boundary changes, including the incorporation, annexation, and reorganization of cities and special districts. The LAFCO for each county reviews and approves or disapproves proposed local government changes of organization; and, under specified circumstances, the determinations of the LAFCO are subject to voter approval through the circulation of a signature petition and a subsequent ballot measure.

Existing law further provides, through the Political Reform Act of 1974, for the comprehensive regulation of campaign financing, including the filing of campaign statements that report contributions and expenditures by committees formed to support or oppose ballot measures.

This bill would impose on a committee formed to support or oppose a LAFCO proposal, as defined, requirements regarding the filing of campaign statements. The bill would require the committee to file

monthly campaign statements from the time circulation of a petition begins until a measure is placed on the ballot or the committee is terminated. After a LAFCO proposal measure is placed on the ballot, the bill would require a committee formed to support or oppose the proposal to file those campaign statements required of other committees formed to support or oppose ballot measures under the Political Reform Act of 1974.

Existing law makes a willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.

This bill would impose a state-mandated local program by creating additional crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 82035.5 is added to the Government  
2 Code, to read:

3 82035.5. "LAFCO proposal" means a proposal, as defined in  
4 Section 56069, that is initiated as a petition for filing with a local  
5 agency formation commission.

6 SEC. 2. Article 2.5 (commencing with Section 84250) is added  
7 to Chapter 4 of Title 9 of the Government Code, to read:

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9 Article 2.5. LAFCO Proposal Requirements

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11 84250. All requirements of this title applicable to a measure,  
12 as defined in Section 82043, also apply to a LAFCO proposal, as  
13 defined in Section 82035.5, except as set forth in Section 84252.

1     84251. A payment made for “political purposes,” as that term  
2 is used in Sections 82015 and 82025, includes a payment made  
3 for the purpose of influencing or attempting to influence the actions  
4 of voters or a local agency formation commission for or against  
5 the qualification, adoption, or passage of a LAFCO proposal.

6     84252. (a) A committee primarily formed to support or oppose  
7 a LAFCO proposal shall file all statements required under this  
8 chapter except that, in lieu of the statements required by Sections  
9 84200 and 84202.3, the committee shall file monthly campaign  
10 statements from the time circulation of a petition begins until a  
11 measure is placed on the ballot or, if a measure is not placed on  
12 the ballot, until the committee is terminated pursuant to Section  
13 84214. The committee shall file an original and one copy of each  
14 statement on the 15th day of each calendar month, covering the  
15 prior calendar month, with the clerk of the county in which the  
16 measure may be voted on. If the petition results in a measure that  
17 is placed on the ballot, the committee thereafter shall file campaign  
18 statements required by this chapter.

19     (b) In addition to any other statements required by this chapter,  
20 a committee that makes independent expenditures in connection  
21 with a LAFCO proposal shall file statements pursuant to Section  
22 84203.5.

23     SEC. 3. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the penalty  
28 for a crime or infraction, within the meaning of Section 17556 of  
29 the Government Code, or changes the definition of a crime within  
30 the meaning of Section 6 of Article XIII B of the California  
31 Constitution.

32     SEC. 4. The Legislature finds and declares that this bill furthers  
33 the purposes of the Political Reform Act of 1974 within the  
34 meaning of subdivision (a) of Section 81012 of the Government  
35 Code.